

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEITH W. SULLIVAN,

Plaintiff,

v.

JAMES DZURENDA, et al.,

Defendants.

Case No.: 2:23-cv-01730-APG-DJA

ORDER

On October 23, 2023, pro se plaintiff Keith W. Sullivan, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). Plaintiff's application to proceed *in forma pauperis* is incomplete because Plaintiff did not include a completed financial certificate with his application. The Court gives Plaintiff the opportunity to correct this deficiency **by December 11, 2023**.

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her

1 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
2 See 28 U.S.C. § 1915(b).

3 As explained above, Plaintiff's application to proceed *in forma pauperis* is
4 incomplete. The Court will grant Plaintiff an extension of time to either pay the filing fee
5 or file a completed financial certificate.

6 **II. CONCLUSION**

7 It is therefore ordered that Plaintiff has **until December 11, 2023**, to either pay the
8 full \$402 filing fee or file a completed financial certificate that is signed both by the inmate
9 and the prison or jail official.

10 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
11 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
12 to refile the case with the Court, under a new case number, when Plaintiff can file a
13 complete application to proceed *in forma pauperis* or pay the required filing fee.

14 The Clerk of the Court is directed to send Plaintiff the approved form application to
15 proceed *in forma pauperis* for an inmate and instructions for the same and retain the
16 complaint (ECF No. 1-1) but not file it at this time.

17 DATED this 26th day of October 2023.

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UNITED STATES MAGISTRATE JUDGE